

**U.S. District Court
Western District of Tennessee (Jackson)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00007-jay-1**

Case title: United States of America v. Kennedy
Other court case number: 15cr20652-9 Eastern District of
Michigan

Date Filed: 04/23/2021
Date Terminated: 04/23/2021

Assigned to: Magistrate Judge Jon A.
York

Defendant (1)

Derrick Kennedy
TERMINATED: 04/23/2021

represented by **M. Dianne Smothers**
FEDERAL PUBLIC DEFENDER
109 S. Highland Ave.
Ste. 105
Jackson, TN 38301
731-427-2556
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Email: dianne_smothers@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

United States of America

represented by **Victor Lee Ivy**
U.S. ATTORNEY'S OFFICE
3rd Floor Federal Bldg.
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Jackson, TN 38301
731-422-6220
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Email Attorneys, Primary Addresses

Email Attorneys, Primary and Secondary Addresses

Date Filed	#	Docket Text
04/23/2021	<u>1</u>	Rule 5 Documents Received as to Derrick Kennedy (Attachments: # <u>1</u> Arrest Warrant)(ars) (Entered: 04/23/2021)
04/23/2021	<u>2</u>	SETTING LETTER as to Derrick Kennedy: Initial Appearance – Rule 40 set for 4/23/2021 11:00 AM in Jackson Courtroom 3 before Magistrate Judge Jon A. York. (ars) (Entered: 04/23/2021)
04/23/2021	<u>3</u>	Minute Entry for proceedings held before Magistrate Judge Jon A. York: Initial Appearance in Rule 5 Proceedings as to Derrick Kennedy held on 4/23/2021. AUSA Parham present for the govt. Dft executed a financial affidavit and the Federal Public Defender was appointed; Appearance entered by M. Dianne Smothers for Derrick Kennedy on behalf of defendant. Dft waived formal reading of charges and waived all hearings in this district. Waiver form signed. Dft committed to the Eastern District of Michigan and remanded to the custody of the marshals. (Court Reporter FTR.) (ars) (Entered: 04/23/2021)
04/23/2021	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Derrick Kennedy. Signed by Magistrate Judge Jon A. York on 4/23/2021. (ars) (Entered: 04/23/2021)
04/23/2021	<u>5</u>	CJA 23 Financial Affidavit by Derrick Kennedy (ars) (Entered: 04/23/2021)
04/23/2021	<u>6</u>	WAIVER of Rule 5(c)(3) Hearings by Derrick Kennedy (ars) (Entered: 04/23/2021)
04/23/2021	<u>7</u>	ORDER OF DETENTION as to Derrick Kennedy. Signed by Magistrate Judge Jon A. York on 4/23/2021. (ars) (Entered: 04/23/2021)
04/23/2021	<u>8</u>	ORDER RE: CRIMINAL RULE 5(f) as to Derrick Kennedy. Pursuant to the Due Process Protections Act, the Court confirms the obligation of the United States to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, and orders it to do so. Failing to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court. Signed by Magistrate Judge Jon A. York on 4/23/2021. (ars) (Entered: 04/23/2021)
04/23/2021	<u>9</u>	COMMITMENT TO ANOTHER DISTRICT as to Derrick Kennedy. Defendant committed to District of Eastern District of Michigan. Signed by Magistrate Judge Jon A. York on 4/23/2021. (ars) (Entered: 04/23/2021)

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

U.S.A. vs. Derrick Kennedy

Docket No. 15-20652-9

Petition for Action on Conditions of Pretrial Release

COMES NOW Michael Mitchell, Pretrial Services Officer, presenting an official report upon the conduct of defendant Derrick Kennedy who was placed under pretrial release supervision by Your Honor in the Court at Detroit, Michigan on December 05, 2016, under the following conditions:

1. Report as directed to Pretrial Services.
2. Do not use or unlawfully possess a narcotic drug or other controlled substances.
3. Submit to drug testing and treatment as directed by Pretrial Services.
4. Curfew as directed by Pretrial Services.
5. Submit to Radio Frequency monitoring.
6. Upon release from custody, the defendant shall immediately notify Pretrial Services and follow any instructions given by the Pretrial Services Officer. (added on 07/13/20)
7. The defendant shall be placed on 24-hour home incarceration that will be monitored through the use of GPS monitoring technology. (added on 07/13/20)
8. While on 24-hour home incarceration, the defendant shall reside at the residence identified during the hearing that was conducted on July 9, 2020. Prior to residing at any subsequent residence, the defendant must provide the address of the subsequent residence to Pretrial Services and shall not be permitted to reside at the subsequent residence until Pretrial Services has approved the subsequent residence. (added on 07/13/20)
9. The defendant is restricted to his residence at all times except for medical emergencies, activities that have been approved by the Court, and activity described in Paragraph 5 of this order. (added on 07/13/20)
10. If the defendant changes his phone number, within 24 hours of the change, he shall provide Pretrial Services and his attorney his new phone number. (added on 07/13/20)
11. The defendant's attorney shall provide the defendant's phone number to the Government upon request. (added on 07/13/20)
12. The only person allowed to reside with the defendant are his spouse and children. (removed on 05/08/21)
13. With the exception of personnel from law enforcement, pretrial services, medical personnel, defense counsel, and the persons described in Paragraph 9, the defendant shall not have any other persons inside his residence at anytime unless prior approval is obtained from the Court. (added on 05/08/21)
14. To the extend the defendant is permitted to leave his residence for the reasons specified in Paragraphs 4 and 5 of this Order, his travel for those purposes is limited to Oakland County and Wayne County. (added on 07/13/20)
15. The defendant shall not have contact, by any means, with any known gang members, victim, witnesses, or co-defendants unless for court purposes in the presence of counsel. (added on 07/13/20)

16. The defendant shall not engage in any assaultive, threatening, or intimidating behavior.
(added on 07/13/20)

17. To the extent that they do not conflict with conditions specified above, the defendant shall comply with all previously imposed standard and special conditions of pretrial supervision.
(added on 07/13/20).

Respectfully presenting petition for action of Court and for cause as follows:

On April 05, 2021, at approximately 7:39pm (19:39 hours), Pretrial Services received notification the defendant cut off his location monitoring device. The defendant's current whereabouts are unknown.

This officer has contacted Assistant United States Attorney's William Sloan and A.Tare Wigod about the aforementioned warrant request. The Government concurs in this request.

**PRAYING THAT THE COURT WILL ORDER THE CANCELLATION OF BOND,
AND A WARRANT BE ISSUED FOR THE DEFENDANT'S ARREST UNDER SEAL.**

ORDER OF COURT

Considered and ordered this 6th day of
April, 2021, and ordered filed and made a
part of the records in the above case.


s/George Caram Steeh
United States District Judge George Caram Steeh

I declare under penalty of perjury that the foregoing is
true and correct.

Executed on April 05, 2021

Respectfully,

s/Michael Mitchell
Michael Mitchell, United States Pretrial Officer

Place: Detroit, Michigan

Case No. 1:21-mj-00007-jay

Derrick Kennedy

ORDER APPOINTING COUNSEL PURSUANT TO THE CRIMINAL JUSTICE ACT

This Court has determined that the above-named defendant is financially unable to obtain adequate representation in the above-styled case, and is otherwise qualified for appointment of counsel. Accordingly, the Court makes the following appointment pursuant to the Criminal Justice Act (18 U.S.C. § 3006A):

APPOINTMENT OF COUNSEL

- Federal Public Defender appointed

TYPE OF APPOINTMENT

- Rule 5 proceedings in this district

DONE and ORDERED at 111 S. Highland Ave., Jackson, Tennessee on April 23, 2021

s/Jon A. York

UNITED STATES MAGISTRATE JUDGE

AO 466 (Rev. 12/17) Waiver of Rule 32.1 Hearing (Violation of Probation or Supervised Release)

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

United States of America

v.

Derrick Kennedy

Defendant

Case No. 1:21-mj-00007-jay-1

Charging District's Case No. 15cr20652-9

**WAIVER OF RULE 32.1 HEARING
(Violation of Probation or Supervised Release)**

I understand that I have been charged with violating the conditions of probation or supervised release in a case pending in another district, the *(name of other court)* Eastern District of Michigan.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of certified copies of the judgment, warrant, and warrant application, or reliable electronic copies of them if the violation is alleged to have occurred in another district;
- (4) a preliminary hearing to determine whether there is probable cause to believe a violation occurred if I will be held in custody, and my right to have this hearing in this district if the violation is alleged to have occurred in this district; and
- (5) a hearing on the government's motion for my detention in which I have the burden to establish my eligibility for release from custody.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the judgment, warrant, and warrant application.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my ☒ preliminary hearing and/or ☒ detention hearing be held in the prosecuting district, at a time set by that court.

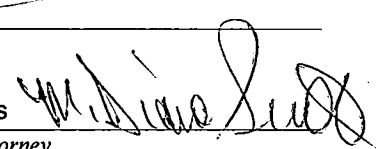
I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 04/23/2021


Defendant's signature

M. Dianne Smothers

Signature of defendant's attorney


M. Dianne Smothers
Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA

-vs-

Case No. 1:21-mj-00007-jay

Derrick Kennedy

ORDER OF DETENTION PENDING TRIAL

FINDINGS

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. The following facts and circumstances require the defendant to be detained pending trial.

☒ The defendant makes no application for release at this time. A motion for conditions of release and a detention hearing may be filed at a later date; OR

☐ No condition or combination of conditions of release will reasonably assure the appearance of the defendant as required.

☐ No condition or combination of conditions of release will reasonably assure the safety of any other person and the community.

☐ No condition or combination of conditions of release will reasonably assure the appearance of the defendant as required or the safety of any other person and the community.

This conclusion is based on the findings and analysis of the matters enumerated in 18 U.S.C. § 3142(g) as stated on the record in open court at the detention hearing.

DIRECTIONS REGARDING DETENTION

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from

s/ Jon A. York
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

United States of America)

v.)

Case No. 1:21-mj-7-jay)

Derrick Kennedy)

Defendant)

Charging District's)

Case No. 15cr20652-9)

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Eastern District of Michigan,
 (if applicable) _____ division. The defendant may need an interpreter for this language:
 _____.

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 04/23/2021

s/Jon A. York

Judge's signature

Jon A. York, United States Magistrate Judge

Printed name and title